

**UNITED STATES DISTRICT COURT**  
**MIDDLE DISTRICT OF TENNESSEE**

NIKKI BOLLINGER GRAE, Individually and on Behalf of All Others Similarly Situated,	)	Civil Action No. 3:16-cv-02267
	)	
Plaintiff,	)	Honorable Aleta A. Trauger
	)	Magistrate Judge Jeffrey S. Frensley
vs.	)	
	)	
CORRECTIONS CORPORATION OF	)	
AMERICA, et al.,	)	
	)	
Defendants.	)	
_____	)	

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56.01, Defendants CoreCivic, Inc., Damon T. Hininger, David M. Garfinkle, Todd J. Mullenger, and Harley G. Lappin (collectively, "Defendants") hereby move the Court for an order granting summary judgment in Defendants' favor as to all claims asserted by Lead Plaintiff Amalgamated Bank ("Plaintiff") in the Consolidated Complaint (Dkt. 57).

There is no genuine issue of material fact with respect to Plaintiff's claims against Defendants for purported violations of Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act") and Rule 10b-5 thereunder, and Section 20(a) of the Exchange Act. Specifically, there is no genuine issue of material fact as to the elements of material falsity, scienter, and loss causation. Defendants are therefore entitled to judgment as a matter of law on Plaintiff's claims pursuant to Federal Rule of Civil Procedure 56.

In support of this Motion, Defendants rely on the reasons set forth in their accompanying Memorandum, the facts in their Statement of Undisputed Material Facts, the Declaration of Meryn

C. N. Grant and exhibits thereto, and the Declaration of Patrick Swindle and exhibits thereto. Therefore, Defendants respectfully request that the Court grant this Motion, dismiss Plaintiff's claims in the case, and award such other and further relief as the Court deems appropriate.

DATED: November 20, 2020

Respectfully submitted:

/s/ Steven A. Riley  
Steven A. Riley (TN #6258)  
Milton S. McGee, III (TN #024150)  
RILEY WARNOCK & JACOBSON, PLC  
1906 West End Avenue  
Nashville, TN 37203  
T: (615) 320-3700  
F: (615) 320-3737  
sriley@rwjplc.com  
tmcgee@rwjplc.com

David J. Schindler (admitted *pro hac vice*)  
Brian T. Glennon (admitted *pro hac vice*)  
Meryn C. N. Grant (admitted *pro hac vice*)  
LATHAM & WATKINS LLP  
355 South Grand Avenue, Suite 100  
Los Angeles, CA 90071  
T: (213) 485-1234  
F: (213) 891-8763  
david.schindler@lw.com  
brian.glennon@lw.com  
meryn.grant@lw.com

Morgan E. Whitworth (admitted *pro hac vice*)  
LATHAM & WATKINS LLP  
505 Montgomery Street, Suite 2000  
San Francisco, CA 94111  
T: (415) 391-0600  
F: (415) 395-8095  
morgan.whitworth@lw.com

Sarah A. Tomkowiak (admitted *pro hac vice*)  
LATHAM & WATKINS LLP  
555 Eleventh Street, NW, Suite 1000  
Washington, DC 20004-1304  
T: (202) 637-2335  
F: (415) 637-2201  
sarah.tomkowiak@lw.com

*Attorneys for Defendants Corrections Corporation  
of America, Damon T. Hininger, David M.  
Garfinkle, Todd J. Mullenger, and Harley G.  
Lappin*

## **CERTIFICATE OF SERVICE**

I hereby certify that service of the foregoing document was made upon the following Filing Users through the Electronic Filing System:

Christopher Hamp Lyons  
Christopher M. Wood  
ROBBINS GELLER RUDMAN  
& DOWD LLP  
414 Union St. Suite 900  
Nashville, TN 37219  
clyons@rgrdlaw.com  
cwood@rgrdlaw.com

Jeremy A. Lieberman  
J. Alexander Hood II  
Marc C. Gorrie  
POMERANTZ LLP  
600 Third Ave., 20th Floor  
New York, NY 10016  
jalieberman@pomlaw.com  
ahood@pomlaw.com  
mgorrie@pomlaw.com

Jason A. Forge  
ROBBINS GELLER RUDMAN  
& DOWD LLP  
655 W Broadway, Suite 1900  
San Diego, CA 92101  
jforge@rgrdlaw.com

Patrick V. Dahlstrom  
POMERANTZ LLP  
10 S. La Salle St., Suite 3505  
Chicago, IL 60603  
pdahlstrom@pomlaw.com

Dennis J. Herman  
Willow E. Radcliffe  
Kenneth J. Black  
ROBBINS GELLER RUDMAN  
& DOWD LLP  
Post Montgomery Center  
One Montgomery St, Suite 1800  
San Francisco, CA 94104  
dennish@rgrdlaw.com  
willowr@rgrdlaw.com  
kennyb@rgrdlaw.com

Paul Kent Bramlett  
Robert P. Bramlett  
BRAMLETT LAW OFFICES  
40 Burton Hills Blvd., Suite 200  
P.O. Box 150734  
Nashville, TN 37215  
pknashlaw@aol.com  
robert@bramlettlawoffices.com

Jerry E. Martin  
BARRETT JOHNSTON MARTIN &  
GARRISON, LLC  
Bank of America Plaza  
414 Union St., Suite 900  
Nashville, TN 37219  
jmartin@barrettjohnston.com

Michael Goldberg  
Brian Schall  
GOLDBERG LAW PC  
1999 Ave. of the Stars, Suite 1100  
Los Angeles, CA 90067  
michael@goldberglawpc.com  
brian@goldberglawpc.com

James A. Holifield, Jr.  
HOLIFIELD JANICH RACHAL &  
ASSOCIATES, PLLC  
11907 Kingston Pike, Suite 201  
Knoxville, TN 37934  
aholifield@holifieldlaw.com

Christopher T. Cain  
SCOTT & CAIN  
550 W Main Ave., Suite 601  
Knoxville, TN 37902  
cain@scottandcain.com

this 20th day of November, 2020.

/s/ Steven A. Riley  
Steven A. Riley